

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 RAMIRO GARCIA, )

13 Plaintiff, )

CASE NO. CV 09-8193-R

14 vs. )

15 **FINDINGS OF FACT AND**  
16 **CONCLUSIONS OF LAW**

16 UNIVERSITY OF CALIFORNIA AT LOS )  
ANGELES, a public entity; THE REGENTS )  
17 OF THE UNIVERSITY OF CALIFORNIA; )  
UCLA POLICE DEPARTMENT; and )  
18 DOES 10 through 20, inclusive, each of )  
whom is sued individually and in their )  
19 official capacity as police officers for the )  
UCLA Police Department, )

20 )  
21 Defendants. )  
22 )  
\_\_\_\_\_ )

23 **FINDINGS OF FACT**

24 1. Plaintiff Ramiro Garcia's Complaint for Damages filed on August 20, 2009, alleges that  
25 it is an action for deprivation of civil rights under color of law pursuant to Title 42 U.S.C. § 1983.  
26 Plaintiff sues Sergeant DeFrancesco under section 1983 for false arrest under the Fourth and  
27 Fourteenth Amendments, and sues both DeFrancesco and The Regents of the University of  
28 California for negligence pursuant to Government Code section 815.2(a).

1           2. Plaintiff's driver's license lists him as Ramiro Garcia. Plaintiff's date of birth is March  
2   11, 1962.

3           3. In January 2008, plaintiff applied at the University of California Los Angeles ("UCLA")  
4   for employment as a flooring worker.

5           4. On February 8, 2008, Sergeant DeFrancesco received a phone call from Investigator  
6   Shelby Wright with the Charlotte County Sheriff's office in Punta Gorda, Florida. Wright advised  
7   that they had reason to believe that their felony suspect Ramiro Garcia (DOB 3-11-1962) was  
8   employed or about to be employed at UCLA.

9           5. Wright stated that Garcia was wanted in Florida on a \$50,000 warrant for Aggravated  
10   Battery with a Deadly Weapon. Wright told Sergeant DeFrancesco that they would extradite  
11   Garcia from California, and he provided a teletype requesting extradition along with information  
12   showing details of an arrest warrant.

13          6. To follow up on the information Sergeant DeFrancesco had received from Investigator  
14   Wright, he confirmed with the UCLA Facilities Management Department that plaintiff Ramiro  
15   Garcia had applied for employment as a flooring installer.

16          7. Plaintiff had the same name, Ramiro Garcia, as indicated on the arrest warrant. He also  
17   had the same date of birth, March 11, 1962, and the same race, gender, hair and eye color. The  
18   height and weight indicated on the warrant (approximately 5'9" and 187 pounds) were similar but  
19   not identical to plaintiff's DMV information (5'6" and 160 pounds).

20          8. Sergeant DeFrancesco did not have a photograph or fingerprint from the Florida  
21   authorities to use for comparison with plaintiff; however, he was informed and believed based on  
22   the phone call from Florida officials that the subject of their warrant had applied for work with  
23   UCLA

24          9. After Sergeant DeFrancesco called Facilities Management at UCLA, they agreed to work  
25   with the UCLA Police department in order to effect the arrest. As a result, Sergeant DeFrancesco  
26   was informed and believed that Facilities Management staff telephoned plaintiff and requested that  
27   he respond to the UCLA campus to begin work on February 11, 2008, at 2:30 p.m., at the job site,  
28   which was an occupied building at 601 Westwood Plaza.

1           10. At about 2:00 p.m. or so on February 11, 2008, plaintiff arrived at the Facilities office at  
2 UCLA, and he was escorted to the old building where the police station had been.

3           11. Inside the building, Officers Behrens and Pak were in full uniform in a room adjacent to  
4 the front entrance. In a second adjacent room, Detectives Arsena and Gentilucci were present as  
5 backup. When plaintiff entered the building through the front lobby, Sergeant DeFrancesco  
6 recognized him from a California DMV photo he had pulled.

7           12. As plaintiff entered the hallway, Officers Behrens and Pak exited the room nearby and  
8 conducted a felony stop on him. Officer Pak instructed plaintiff to put his hands on his head, kneel  
9 on the ground, and then lay face down on the ground. Plaintiff complied with these requests, and  
10 Officer Pak then handcuffed plaintiff and took him into custody without incident.

11           13. The officers helped plaintiff up from the floor and Officer Pak transported plaintiff to  
12 the UCLA police department for booking. Officer Pak booked plaintiff as a felony fugitive  
13 pursuant to Penal Code section 1551.

14           14. Officer Pak then brought plaintiff to the Los Angeles County Sheriff's Department  
15 West Hollywood station, and then to the Men's County Jail.

16           15. Plaintiff was in the custody of the Los Angeles County Sheriff's Department from  
17 February 8, 2008, until his release on February 22, 2008.

18                           **CONCLUSIONS OF LAW**

19           1. This Court has jurisdiction of this action, pursuant to 28 United States Code sections  
20 1331(a) and 1343.

21           2. Defendant R. DeFrancesco acted under color of law as an employee of the University of  
22 California Los Angeles Police Department, operated by the Regents of the University of California.

23           3. Based on the findings of fact, this Court finds as a matter of law that there was probable  
24 cause to arrest plaintiff based on the information available to Sergeant DeFrancesco, judged on an  
25 objective standard of whether a reasonable officer would believe plaintiff was the Ramiro Garcia  
26 named in the arrest warrant based on the same name and date of birth, and a similar physical  
27 description. The officer's determination of probable cause is based on the totality of circumstances  
28 known at the time, without the benefit of hindsight.

1           4. This Court further finds that because there was probable cause to arrest plaintiff, the  
2 negligence claim against Sergeant DeFrancesco, and the supervisory negligence claim against The  
3 Regents of the University of California, also must fail as a matter of law.

4           5. This Court does not reach the issue of Sergeant DeFrancesco's qualified immunity to  
5 liability, because there was probable cause to arrest plaintiff and therefore there was no Fourth or  
6 Fourteenth Amendment violation.

7           6. Judgment shall be entered in Defendants' favor consistent herewith, costs to be awarded  
8 according to proof.

9 Dated: September 27, 2010.



---

MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE